

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION
MDNC Civil Action No. _____

CECIL J. ANDERSON,

Plaintiff,

v.

FRANKIE MANESS, and
MONTGOMERY COUNTY,

Defendants.

**NOTICE OF REMOVAL TO FEDERAL
COURT**

Defendants Frankie Maness and Montgomery County (hereinafter “Defendants”) by and through the undersigned counsel, respectfully remove the above-captioned action from the District Court of Montgomery County, North Carolina, to the United States District Court for the Middle District of North Carolina, pursuant to 28 U.S.C. § 1331, § 1441, § 1446, and §1367.

In support of this *Notice of Removal to Federal Court*, Defendants state as follows:

1. On January 31, 2024, Plaintiff filed a Complaint in the District Court of Montgomery County, North Carolina, styled *Cecil J. Anderson v. Frankie Maness and Montgomery County*, which matter was assigned Civil Action No. 24 CVM 00017. Defendants were served with the Complaint on or after February 1, 2024.

2. Pursuant to 28 U.S.C. § 1446(b), a copy of all process and pleadings served upon Defendants are attached hereto as **Exhibit A**.

3. This notice is being filed within thirty (30) days of the date of service of the Summons and Complaint in this case on Defendants; accordingly, this Notice is timely filed

pursuant to 28 U.S.C. § 1446(b). Defendants are represented by the undersigned counsel and Defendants consent to removal.

4. In the Complaint, Plaintiff has alleged various causes of action against Defendants, including numerous a violations of the Americans with Disability Act (Title II) and a claim of a violation of OSHA regulations 29 CFR 1910.21 and for damages arising under the laws of the United States.

5. Because this is a civil suit for damages arising under the laws of the United States, specifically, this case involves a federal question and federal jurisdiction is therefore founded upon 28 U.S.C. § 1331 and is removable to federal court pursuant to 28 U.S.C. § 1441. Further this Court has supplemental jurisdiction over the state law claim pursuant to 28 U.S.C. § 1367.

6. Based on federal question jurisdiction, Defendants contend that the aforesaid state action may be removed by Defendants pursuant to 28 U.S.C. § 1441. Defendants contend that the United States District Court would be acting within its discretion by exercising supplemental jurisdiction over the remaining state claims, if any, pursuant to 28 U.S.C. § 1367.

7. The United States District Court for the Middle District of North Carolina is the District in which the aforementioned state court action is now pending. Therefore, the undersigned hereby removes this action from the aforesaid District Court of Montgomery County, North Carolina, in which it is now pending, to the United States District Court for the Middle District of North Carolina by filing this Notice of Removal.

8. Written notice of filing of this Notice of Removal will be served upon the adverse party in this action as required by law.

9. A copy of this Notice of Removal has been sent for filing with the Clerk of the District Court of Montgomery County, North Carolina, as shown by the Notice attached hereto as **Exhibit B**.

WHEREFORE, the Defendants Frankie Maness and Montgomery County hereby give notice that this action has been removed from the District Court of Montgomery County, North Carolina, to the United States District Court for the Middle District of North Carolina.

This the 1st day of March, 2024.

CRANFILL SUMNER LLP

BY: /s/ Patrick H. Flanagan
Patrick H. Flanagan, NC Bar #17407
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing ***Notice of Removal to Federal Court*** with the Clerk of Court using the CM/ECF system and served the same on all of the parties to this cause by depositing a copy hereof, postage prepaid, in the United States Mail, addressed as follows:

Cecil June Anderson
3603 Coopers Farm Court
Greensboro, NC 27406
Pro Se Plaintiff

This the 1st day of March, 2024.

CRANFILL SUMNER LLP

BY: /s/ Patrick H. Flanagan
Patrick H. Flanagan, NC Bar #17407
Attorney for Defendants
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